

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:20-mc-4-M

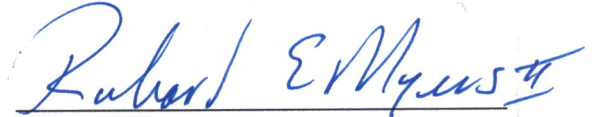
In re:)	
)	
)	ORDER ON
)	<i>EX PARTE</i> APPLICATION FOR
APPLICATION OF MOTHER'S)	ORDER TO OBTAIN
MILK, INC., FOR <i>EX PARTE</i>)	DISCOVERY IN FOREIGN
ORDER TO OBTAIN DISCOVERY)	PROCEEDING
FOR USE IN FOREIGN)	
PROCEEDINGS)	
)	

This matter comes before the Court on the application of Mother's Milk, Inc. ("Mother's Milk"), for an order, pursuant to 28 U.S.C. § 1782(a), directing that testimony be given, and documents produced, by Motif Medical, LLC ("Motif"), for use in a pending proceeding brought by Mother's Milk in the Republic of Korea. Having considered the application and supporting documents, the Court finds that Mother's Milk satisfies the statutory requirements of 28 U.S.C. § 1782(a). Having considered the additional factors identified in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004), in the exercise of the Court's discretion, the Court finds that the application should be GRANTED with the modification noted below.

In its third request for documents and things, Mother's Milk lists "[a]ll documents and things, including videos, photographs, or computer images relating to breast pump protectors used on or in connection with current or prior Motif breast pumps *not* supplied by Cimilre, from 2015 to present." Proposed Subpoena Duces Tecum ¶ 3, DE 2-5 (emphasis added). Because the requested evidence is ultimately to support patent-infringement claims against Cimilre, information about Motif's other suppliers is irrelevant and this request should be stricken from

the subpoena. With this modification, Mother's Milk may issue and serve the proposed subpoenas in accordance with the Federal Rules of Civil Procedure.

SO ORDERED this the 27th day of February, 2020.


RICHARD E. MYERS II
U.S. DISTRICT COURT JUDGE